

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

INARA CEDRINS,

Plaintiff,

vs.

Civ. No. 09-687 JAP/RHS

RAMESH KUMAR SHRESTHA,

Defendant.

REPORT AND RECOMMENDATIONS

THIS MATTER comes before the undersigned United States Magistrate Judge pursuant to an Order of Reference (docket no. 11) directing that a recommendation be submitted to the trial court as to the ultimate disposition of Plaintiff's Motion to Present Preliminary Evidence to the Court (docket no. 5) filed July 20, 2009, and Plaintiff's Motion for Order of Service of Process (docket no. 7) filed July 21, 2009. In this case, neither party is represented by an attorney and both are proceeding pro se. For reasons stated herein, it is respectfully recommended that all of Plaintiff's claims be dismissed and that this action be dismissed with prejudice.

Sua Sponte Analysis

On July 14, 2009, Plaintiff filed her Motion for Leave to Proceed In Forma Pauperis (docket no. 2). This motion was granted by the Court on July 17, 2009 (docket no. 3). It is recognized under federal law that "a litigant whose filing fees and court costs are assumed by the public, unlike a paying litigant, lacks an economic incentive to refrain from filing frivolous,

malicious, or repetitive lawsuits.” *Nietzke v. Williams*, 490 U.S. 319, 324 (1989); *Denton v. Hernandez*, 504 U.S. 25, 31 (1992).

In *Cedrins v. Shrestha*, No. Civ. 09-646 MV/LFG, United States District Court for the District of New Mexico, filed July 2, 2009, Chief United States Magistrate Judge Lorenzo F. Garcia entered a thorough and thoughtful Order Granting *In Forma Pauperis* Status (docket no. 10) wherein he discussed the specific authority for *sua sponte* analysis. The undersigned adopts Chief Judge Garcia’s reasoned summary of authority for *sua sponte* analysis and incorporates it herein.

Discussion

The above-captioned cause is another in a long series of lawsuits filed by Plaintiff Cedrins against the Defendant Shrestha. In her Complaint, captioned as “Petition for Plaintiff’s Right to Obtain Discovery From Administrative Agencies USCIS, ICE and the IRS and to Present Evidence of Immigration Code Violations/Marriage Fraud and Tax Fraud to Those Agencies” (docket no. 1), Plaintiff continues to seek records which she alleges to constitute “immigration and tax fraud” (*see* docket no. 1, at page 3). Plaintiff acknowledges in her Complaint (docket no. 1, at page 3) that this is the fourth time she has applied to the United States District Court for relief. Chief Judge Garcia has thoroughly summarized Plaintiff’s prior litigation history in his Order Granting *In Forma Pauperis* Status and Magistrate Judge’s Report and Recommendation filed in USDC NM Civ. No. 09-646 MV/LFG (docket no. 10). The instant litigation appears to be another attempt by the Plaintiff to order Defendant to produce information so that she may challenge the ruling of a state court in a domestic relations proceeding. Having considered the pleadings filed in the above-captioned cause, this Court again determines that it lacks jurisdiction to hear Plaintiff’s claims for the same reasons stated in

the Court's previous rulings concerning Plaintiff's actions raising the same issues brought herein (*see Cedrins v. Shrestha*, USDC NM Civ. 09-348 LH/GBW, *Cedrins v. Shrestha*, USDC NM Civ. No. 09-262 JB/RLP, *Cedrins v. Shrestha*, USDC NM Civ. 09-645 JCH/RLP). All of the decisions in these causes set forth in detail why the Court does not have jurisdiction to hear the issues Plaintiff Cedrins continues to raise herein. As Chief Judge Garcia cautioned the Plaintiff in Civ. No. 09-646 MV/LFG, Order Granting *In Forma Pauperis* Status and Magistrate Judge's Report and Recommendation (docket no. 10), "Cedrins is further advised that her continued attempts to invoke federal jurisdiction, after careful and repeated explanation by several federal judges as to the lack of such jurisdiction, demonstrate a lack of respect for the federal court and could result in sanctions if she continues to file frivolous lawsuits."

Recommendations

It is respectfully recommended that all of Plaintiff's claims be dismissed and that this action be dismissed with prejudice.

Within ten (10) days after a party is served with a copy of these proposed findings and recommendations that party may, pursuant to 28 U.S.C. § 636(b)(1), file written objections to such proposed findings and recommendations. A party must file any objections within the ten (10) day period allowed if that party wants to have appellate review of the proposed findings and recommendations. If no objections are filed, no appellate review will be allowed.

Robert Hayes Scott
ROBERT HAYES SCOTT
UNITED STATES MAGISTRATE JUDGE